

\*\*E-Filed 10/30/2006\*\*

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CHAD RHODES,

Petitioner,

v.

ROBERT KIRKLAND,

Respondent.

Case Number C 06-5252 JF

ORDER<sup>1</sup> AMENDING ORDER FILED  
OCTOBER 24, 2006

[re: docket no. 19]

On October 24, 2006, the Court filed an order granting Petitioner leave to proceed *in forma pauperis* and denying his request for appointment of counsel. At that time, the Court stated that the total filing fee ultimately due would be \$150.00. However, because this is a habeas petition, Petitioner is not required to pay more than the initial filing fee of \$5.00. *Naddi v. Hill*, 106 F.3d 275, 277 (9th Cir. 1997). Petitioner has already paid the initial filing fee. Therefore, Petitioner need pay no additional filing fees in this matter. A copy of this Order will be sent to the prison trust account office.

<sup>1</sup> This disposition is not designated for publication and may not be cited.

1 IT IS SO ORDERED.

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3 DATED: October 30, 2006.

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JEREMY FOGEL  
United States District Judge  
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1 This Order has been served upon the following persons:

2 Allen Robert Crown allen.crown@doj.ca.gov, ecfcoordinator@doj.ca.gov;  
3 docketingsfawt@doj.ca.gov; delia.desuyo@doj.ca.gov;  
4 cherryl.crisostomo@doj.ca.gov; maricris.argarin@doj.ca.gov

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Juliana Drous jdrous@msn.com